MR Insights

The Soldier and Congress

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Samuel Huntington published his seminal work in civil-military relations, *The Soldier and the State,* well over 40 years ago.[1] That book launched a debate among scholars and soldiers and across academic disciplines that has only intensified over time. The arguments are descriptive and normative, theoretical and practical, but center on a single abstraction—the nature of the relationship between soldiers and their civilian masters.[2]

In keeping with this edition's theme, our focus is on the relationship between the military and Congress, echoing Huntington's concept of a "narrow autonomous sphere" of influence for the military in matters that are best decided by the profession. Implied in this notion is a division of labor between Congress and the military, which both institutions must constantly redefine in the continual contest of issues. Most important is a shared sense of responsibility for national security.

Congressional Oversight of the Armed Forces

Harry S. Truman, US Senator from Missouri, emerged from political obscurity in 1941 when he became chairman of a Senate subcommittee investigating defense spending during World War II. He quickly uncovered $100 million in waste in the Army's camp-building program, then expanded his efforts to examine all of the industrial efforts to support the war. Another man might have used this platform for self-aggrandizement and personal political gain. But as a student of history, Truman knew that a similar panel—a joint committee on the conduct of the Civil War—had been the bane of President Abraham Lincoln's existence and had harmed the overall war effort. Its intrusion into operational matters, including the frequent public humiliation of Union commanders, had exacerbated problems within the Army of the Potomac and severely hampered Lincoln's prosecution of federal strategy. Confederate General Robert E. Lee once said that the committee was worth two divisions to him.[3]

Truman would have no part of what he considered an illegitimate interference with executive prerogative or anything detrimental to the war effort. Instead, he became a vigorous and proper force for accountability in a time of skyrocketing defense spending. His efforts saved the government billions of dollars in what has been called the

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most successful congressional investigation in history. *Look* magazine named Truman one of the 10 men in Washington, and the only one from Congress, most important to the war effort. Truman later became Franklin Delano Roosevelt's running mate because of his reputation as an effective, no-nonsense, patriotic legislator.[4]

Truman's positive example of congressional influence on national security policy contrasts with events at the outset of the Vietnam War. In 1964, as the Johnson administration contemplated sending infantry divisions to Vietnam, Congress was conspicuously absent from the debate.[5] Indeed, President Lyndon B. Johnson and his joint chiefs of staff (JCS) manipulated Congress to gain its assent.

Johnson used a contrived event in the Tonkin Gulf in August 1964 to strong-arm the Congress into near unanimous support of a wider involvement in Southeast Asia. The resulting *Tonkin Gulf Resolution* served as a blank check for further escalation. Several months later, when faced with stiffened communist activity, Johnson ordered infantry units to Vietnam and bullied Congress into acquiescence.

In *Dereliction of Duty*, H.R. McMaster recounts a closed meeting of the House Armed Services Committee (HASC). Congressman Mendel Rivers, the new chairman, and other HASC members questioned the JCS about the administration's plan to escalate the war in July 1965. Rivers accepted the JCS' evasive answers and bland assurances that 250,000 troops could achieve administration objectives in a reasonable time and their promises that neither additional appropriations nor Reserve call-ups were necessary to accomplish the plan.

History proved otherwise. It took two more years for a cowed Congress to shake off its shackles and begin a serious inquiry into administration estimates, war planning and overall foreign policy. A more aggressive and inquisitive Congress might have asked the right questions and steered the administration in another direction.[6]

Constitutional Origins

When the framers drafted the *Constitution*, they accorded Congress pride of place among the branches of government, delineating its powers in Article I. Although the system that the founders designed included branches of government with roughly equal power, fear of a tyrannical executive drove them toward a preeminent and watchful legislature. Its powers are immense—for example, Congress has the power to levy and collect taxes, regulate commerce and banking, coin money, establish post offices and "promote the Progress of Science and useful Arts."

Congress also has critically important constitutional powers in defense policy. The HASC has a subtle way of driving this point home. A witness before that body, sitting front, center and below the chairman, will find himself looking directly at an ornate plaque reminding him that Congress shall have the power "To raise and support Armies. . . . To provide and maintain a Navy." Members of Congress take those responsibilities and prerogatives seriously. Just as serious are the powers "To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia. . . . To provide for organizing, arming and disciplining the Militia." And, most important to soldiers, Congress has the sole power to declare war.

Implied in these and other congressional powers is the responsibility to exercise oversight of the executive branch as it carries out the mandates of legislation. More than two centuries of history demonstrate the necessity of congressional oversight as a check on the executive. Americans have long revered the tradition that the president and his subordinates are accountable to the representatives of the people.

Modern Congressional Oversight

President Roosevelt's *New Deal* programs and the bureaucratic growth attendant to World War II and later the Cold War, translated into a much-expanded role for congressional oversight. In fact, with the invention of nuclear weapons and the existence of a large "peacetime" military establishment, Congress has become much more detailed and prescriptive in its defense oversight and appropriations. Simply stated, the stakes of warfare have demanded these changes.[7]

Sometimes this increased attention has produced profound and beneficial change. For example, the *1947 National Security Act* grew from close observation of executive shortcomings in World War II and a farsighted vision of future requirements. This legislation reorganized the national security establishment, founding the Department of Defense (DOD), Department of the Air Force, National Security Council and Central Intelligence Agency, placing the United States on a sound footing to organize for the Cold War.[8] We might not have won the Cold War without it.

Another example of salutary legislation arising from congressional oversight was the *1986 Goldwater-Nichols Defense Reorganization Act*. Passed over the strenuous objections of the administration and the JCS, *Goldwater-Nichols*, among other things, centralized power within the defense establishment, greatly empowering the JCS chairman and the regional commanders-in-chief. These reforms enhanced joint warfighting capabilities and contributed to battlefield successes in Panama and the Persian Gulf.[9]

These two examples illustrate the regular and ongoing accountability of the DOD to Congress. Continually, usually quietly, Congress focuses attention on a myriad of policies through routine hearings. It thereby forces defense officials to articulate their decisions on hundreds

of matters, large and small, and to explain themselves to Congress and the American people. The effect on DOD leaders who must testify is analogous to Army officers preparing for a motor pool inspection—it forces them to focus attention on their own processes and procedures and to understand them thoroughly enough to successfully argue their merits in public. Not surprisingly, officials often rethink many decisions in the face of forthcoming hearings on Capitol Hill. By and large, this process well serves the American public and the common defense.

Yet sometimes well-intentioned Congressional action can detract from the Armed Forces effectiveness. The media have made us all aware of the most egregious examples. Powerful congressmen have forced procurement of unneeded weapon systems and directed that they be stationed in particular congressional districts. In the 1980s, member protection of costly, obsolete military bases had become such a perennial problem that Congress established the extra-political, but still controversial, Base Realignment and Closure Commission (BRAC) to make decisions that Congress was unable to come to on its own. But we should not be naïve. Pork-barrel politics is older than the *Constitution* itself and, as former Speaker of the House Tip O'Neill has told us, "all politics is local."[10] Indeed, the framers understood and desired that members' local interests would be an integral part of the political process.[11]

While making legislation may not always be pretty or efficient, local representation and protection of local interests serve as another check on the aggregation of power in the central government. While congressional action can be parochial, we in the military should humbly remember that the two most significant defense reforms since World War II—*1947 National Security Act* and the 1986 *Goldwater-Nichols Act*—were largely products of the Congress. This point has contemporary application. As defense experts currently debate the need for major post-Cold War change to the national security establishment, it is hard to imagine that this reform will ever come about without aggressive congressional leadership.

US strategy and policy would be enhanced by more collaboration between Congress and the executive branch, particularly in matters pertaining to decisions on the use of force. Over the past two decades, the unhelpful trend has been that the executive branch leads and the Congress attempts to fetter, particularly during periods of divided government. The customary rhetoric has Congress threatening to withhold funding for deployments ordered by the president while simultaneously proclaiming to "support the troops."

Mixed messages confuse "troops," but more important is their effect on the appropriations process. Critical of administration policy, Congress often withholds contingency operating funds at the outset of a crisis. Usually, they appropriate these funds much later in an "emergency supplemental" bill. This unpredictable process has unintended, but major, ramifications for the Armed Forces. Faced with the hard reality of paying for ongoing deployments, the services must seek congressional permission to reallocate other funds to pay for deployment costs up front.

Even when Congress provides emergency funds, the turbulence to troop units is profound, degrading training, base support and quality of life for soldiers and their families. Thus, in its attempt to thwart the administration and support the troops, Congress does just the opposite. The country would be better served with more collaboration between Congress and the White House on foreign and national military policy.

Sometimes, well-intentioned congressional oversight can delve into areas better left to the military, such as methods of housing and training soldiers in basic combat training (BCT). In this instance, an Army scandal was the catalyst for congressional investigation. As a direct result of the proper congressional interest, Army leaders began a host of reforms to make initial-entry training more rigorous, to imbue the experience in fundamental Army values and to enhance the safety and security of recruits. But for a wide variety of political reasons, congressional leaders have continued to pursue a number of BCT issues, despite the operational and warfighting concerns expressed by Army leaders.

Such encroachments are not the sole province of Congress. Military leaders occasionally insert themselves into the political sphere improperly as well. General Douglas MacArthur's public dissent from Truman's national strategy during the Korean War was a shocking episode of a field commander disobeying his commander in chief.[12] More recently, JCS Chairman Colin Powell became involved in presidential politics with a *New York Times* opinion piece titled "Why Generals Get Nervous." Powell endorsed incumbent President George Bush's handling of foreign policy only three weeks before the 1992 election, taking on what many thought an improper role for the Armed Services' senior member.[13]

The Way Ahead

The defense establishment and the American people need an active Congress. The founders got it right—the American system of government is one of ambition checking ambition. The Congress serves as a countervailing power to executive prerogative. Truman's chairmanship is a shining example of a self-effacing public servant doggedly pursuing malfeasance and improving the war effort's effectiveness. A disengaged or complacent Congress—such as the one that passed the *Tonkin Gulf Resolution*—is a recipe for disaster. Still, there can be too much of a good thing. Congress and its members should take care not to overreach and insert themselves into matters of

professional military expertise.

We think there can be a happy medium. Civilian officials, including members of Congress, should concern themselves with and make decisions about national strategy, national political objectives and the dedication of national resources to those aims. Most important, it is Congress's prerogative alone to declare war.[14]

Military leaders should also have a sphere of influence. Among their responsibilities are fighting and winning the nation's wars, determining military objectives, drafting and executing plans to achieve them, providing professional education for officers, creating operational and tactical doctrine and overseeing individual and collective training.

Yet, as all good students of Carl von Clausewitz know, there is a nexus where the political and the military overlap. It is just as dangerous for military leaders to be ignorant of political affairs as it is for politicians to leave war to the generals. Soldiers and politicians must appreciate one another's roles. They must also accept a degree of ambiguity—sometimes each group may intrude into the other's spheres. More properly, each may have influence in areas of legitimate overlap, such as the development of roles and missions for the military and determining rules of engagement (ROE). And while it may not be Congress's role to develop ROE for example, it may very well become a congressional oversight responsibility after the conflict has ended.

There is among the officer corps a great deal of misunderstanding of Congress's legitimate role in national security and defense policy. More educational initiatives are needed to enlighten the officer corps toward that end. We also need an active Congress fulfilling its constitutional responsibilities, especially its oversight role. Officers must understand, appreciate and revere Congress's role in civilian control of the military. We must also recognize that among our responsibilities are providing complete and timely responses to their inquiries, helping with legitimate constituent concerns and explaining our resourcing requirements, programs and policies. We must appreciate that Congress serves an important function in holding us accountable for stewardship of resources, intelligent implementation of orders and sound military thinking.

For their part, members of Congress should appreciate the role of a professional military in a modern democracy, an aspect of Huntington's work that is still relevant and applicable as we enter the 21st century. Congress should allow the military to make decisions on matters that the profession of arms can best determine and respect the ever-more sophisticated body of professional military knowledge and the expertise of its practitioners because there is still the need for a "narrow autonomous sphere" for the military.[15]

Most important, military professionals and members of Congress must trust one another to operate in the nation's best interests within their own spheres of influence.

NOTES

1. Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1957).

2. For a good critique of Huntington see Peter Feaver, "The Civil-Military Problematique: Huntington, Janowitz and the Question of Civilian Control" *Armed Forces & Society* (Winter 1996), 149-78. Also see Edward M. Coffman, "The Long Shadow of the Soldier and the State," *Journal of Military History* (January 1991), 69-82.

3. For a complete treatment of the Joint Committee on the Conduct of the War, see T. Harry Williams, *Lincoln and the Radicals* (Madison, WI: University of Wisconsin Press, 1941). For another view, also see Bruce Tap, *Over Lincoln's Shoulder: The Committee on the Conduct of War* (Lawrence, KS: University of Kansas Press, 1998).

4. David McCullough, *Truman* (New York: Simon & Schuster 1992), 256-91.

5. There are many excellent accounts of the decision-making process that led to US escalation in Vietnam. A good place to start is with Leslie Gelb and Richard Betts, *The Irony of Vietnam: The System Worked* (Washington, DC: The Brookings Institution, 1979); however, the most recent authoritative work that covers this subject is H.R. McMaster's *Dereliction on Duty: Lyndon Johnson, Robert McNamara, The Joint Chiefs, and the Lies that Led to Vietnam* (New York: HarperCollins Publishers, 1997).

6. McMaster, *Dereliction of Duty*, 310 and 311.

7. See Peter D. Feaver, *Guarding the Guardians: Civilian Control of Nuclear Weapons in the US* (Ithaca, NY: Cornell University Press, 1992).

8. For more details, see Daniel J. Kaufman, "National Security: Organizing the Armed Forces," *Armed Forces & Society* (Fall 1987), 85-112.

9. For more information, see Thomas L. McNaugher and Roger L. Sperry, "Improving Military Coordination: The Goldwater-Nichols Reorganization of the Department of Defense" in *Who Makes Public Policy? The Struggle for Control between Congress and the Executive*, Robert S. Gilmour and Alexis A. Halley, ed. (Chatham, NJ: Chatham House Publishers, Inc., 1994), 219-58.

10. Tip P. O'Neill with Gary Hymel, *All Politics is Local and other Rules of the Games* (New York: Time Books, 1994).

11. James Madison, in particular, argued for "extending the sphere" and promoting local interests to provide another "auxiliary check" and countervailing force to centralized federal power. See *Federalist Papers 10* and *51*.

12. For more details, see D. Clayton James, *Command Crisis: MacArthur and the Korean War* (Colorado Springs, CO: US Air Force Academy, 1982).

13. Colin Powell, "Why Generals Get Nervous," *New York Times*, 8 October 1992.

14. See also Christopher P. Gibson and Don M. Snider, "Civil-Military Relations and the Potential to Influence," *Armed Forces & Society* (Winter 1998/1999), 193-218.

15. Huntington, *The Soldier and the State*, 83-85. We recognize that there are some serious questions about the applicability of parts of Huntington's work and his normative theory of civil-military relations that are beyond the scope of this article.

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